

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Continued Use of the Former 800 MHz)	WT Docket No. 02-55
NPSPAC Mutual Aid Channels in the)	
Canada/United States Border Areas)	

**REPLY COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) respectfully submits these Reply Comments in response to the Public Safety and Homeland Security Bureau (PSHS Bureau) Public Notice in the above captioned proceeding.¹ NPSTC agrees with Comments filed that support the need for cross border interoperability on the former 800 MHz NPSPAC Mutual Aid channels, and that these needs are sufficiently complex to warrant consideration in a rulemaking proceeding by the Commission.

NPSTC represents public safety organizations dedicated to improving emergency communications, including maintaining and strengthening the well established relationships between Canadian and U.S. federal, provincial/state, local law enforcement, fire, emergency medical and other emergency service agencies.

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes

¹ Public Safety and Homeland Security Bureau Public Notice, DA 11-274, seeking Comments of Continued Use of the Former 800 MHz NPSPAC Mutual Aid Channels in the Canada/United States Border Areas, WT Docket No. 02-55. Released February 11, 2011.

the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications. The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program); Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group (CITIG) and the Utilities Telecom Council.

NPSTC has developed a strong relationship with Canadian public safety. Several years ago, NPSTC hosted an interoperability and statewide planning forum in Los Angeles, CA., in conjunction with the SAFECOM program and the National Governors Association (NGA). Several of NPSTC's leaders attended and met with Inspector Lance Valcour and Superintendent Rick Finn, active Canadian police officers who were gathering information from the Department of Homeland Security (DHS) on the best ways to achieve interoperability using the SAFECOM Interoperability Continuum model that could be applied to similar problems in Canada.

After that initial and productive meeting and over the period of a year, the Canadian Interoperability Technology Interest Group (CITIG) was created and introduced to the NPSTC Board. Inspector Valcour and Superintendent Finn led the Canadian interoperability effort and introduced their vision for Canada interoperability, as well as grants and other programs they were duplicating from the U.S. in Canada. They further created the Canada Interoperability Continuum model for both voice and data communications. Recognizing the importance of their work and how the two nations could work together to improve cross-border interoperability, the NPSTC Governing Board invited CITIG to join NPSTC as an Associate Governing Board Member.

One of the first actions of this new partnership was to facilitate a meeting with Industry Canada (IC) at a quarterly NPSTC meeting. This was a valuable opportunity for representatives of both nations to understand how spectrum allocations, interference issues, frequency management, and other topics. CITIG's representatives have also invited and made mutual introductions and connections between Public Safety Canada and NPSTC. NPSTC's Border Issues Working Group has worked with CITIG and the DHS Office of Emergency Communications (OEC) on several productive U.S. Canada Cross Border Workshops in 2009 and 2010.

The partnership has worked to improve communications through formal venues, as well as between local public safety responders. This relationship is encouraging rule changes at the FCC and Industry Canada and the engagement of the State Department to improve treaty language, as well as local improvements for FCC licensing, and DHS cross-border planning. NPSTC has been strengthened by CITIG's membership at the table and looks forward to a strong future improving cross border communications for public safety voice and broadband into the future.

The Need for a Notice of Proposed Rulemaking

NPSTC believes that cross-border interoperability between U.S. and Canadian public safety agencies is paramount, and that both the Commission and Industry Canada should pursue all opportunities for maximizing this interoperability objective. NPSTC agrees with the State of New York that "it is essential that public safety officials and responders can communicate during

an incident, regardless of proximity to, or side of, an international border.”² As noted above, NPSTC membership on both sides of the border has a strong commitment to interoperability, both within our respective nations and cross-border interoperability. We have consistently endorsed our support for this critical communications requirement in our Comments to both the Commission and Industry Canada. Most recently, NPSTC noted in our Comments to the Industry Canada Consultation on the 700 MHz band that cross border mutual aid relationships and the ability of agencies on either side of the border to communicate directly with each other is a matter of extreme importance. “Enabling cross border interoperability will result in more effective delivery of public safety services and the protection of emergency service officers and personnel.”³

NPSTC commends the PSHS Bureau in its efforts to ensure that the Petitions for Rulemaking filed by the 800 MHz Regional Planning Committee 55 and the National Regional Planning Council (Petitioners) are properly addressed. The issues raised by the PSHS Bureau in the Public Notice are complex and often depend on the operational requirements of the U.S. and Canadian public safety agencies needing to interoperate. We believe that the low number of Comments filed in response to the Public Notice are not an indication that public safety operating near our common border do not have a requirement to interoperate on any or all five of the former NPSPAC Mutual Aid channels, but rather that the detailed questions asked require considerable coordination and research by the agencies affected, as well as by key public safety organizations such as NPSTC and CITIG. We support the 800 MHz Regional Planning Committee in its Comments that “due to the short turn-around requested by the Commission for the comment period, R55 has not been able to engage in adequate discussions with our Member agencies, or Canadian counterparts, to assist us in identifying those agencies that could be expected to both provide mutual aid assistance, and receive mutual aid assistance, from their U.S. counterparts.”⁴

² Comments, filed March 14, 2011, by the State of New York in response to the PS&HS Bureau Public Notice, DA 11-274.

³ NPSTC Comments, filed February 25, 2011, in response to Gazette Notice No. SMSE-018-10, Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Radio Spectrum, published December 4, 2010, page 8.

⁴ Comments, filed March 11, 2011, by the 800 MHz Regional Planning Committee 55 in response to the PS&HS Bureau Public Notice, DA 11-274, page 4.

We agree in principal with the answers submitted by the 800 MHz Regional Planning Committee in response to the specific questions asked in the Public Notice, but these answers likely apply to the specific cross border operations occurring at the State of New York/Province of Ontario border. NPSTC urges that further information is required from additional U.S. and Canadian public safety agencies interoperating across the world's longest common border before the Commission can universally apply such detailed answers to all of the 800 MHz interoperable needs of public safety agencies. For example, NPSTC believes that the answer to the questions of whether use of former NPSPAC Mutual Aid channels should be limited to only portable units restricted to certain power limits, should be limited to only mobile/portable use, or whether it can also allow use infrastructure (base stations) depends on the specific operational requirements of the responding public safety agencies. At times, some U.S. agencies may need to operate on a repeater on the Canadian side. At times, some Canadian agencies may need to operate on a repeater on the U.S. side. At other times, agencies may find that operating radio to radio may meet their communications requirements when providing mutual aid across the border. Further, prohibiting the use of mobile radios would not provide 800 MHz interoperability to those public safety units that operate only with mobile radios. Answers to other questions in the Public Notice such as how many of the former NPSPAC Mutual Aid channels should be allowed, what distance into the U.S. such channel use is required and whether use of these channels is required along the entire U.S./Canada border similarly need to be considered based on location, size of incidents and other operational requirements of agencies that currently depend on 800 MHz cross border interoperability today, all along our common border.

As noted in the Comments filed by Sprint Nextel Corporation, Canadian public safety agencies continue to have primary use of the five former NPSPAC Mutual Aid channels in Canada, U.S. public safety agencies coming to the aid of Canadian agencies on the Canadian side of the border may continue to use these former NPSPAC Mutual Aid channels, and Sprint Nextel can use these channels close to the border but must protect Canadian public safety from interference.⁵ NPSTC notes that Sprint Nextel's use of these five former NPSPAC Mutual Aid channels is therefore already limited on the U.S. side close to and all along the Canadian border. One of the primary questions, therefore, to be addressed by the Notice of Proposed Rulemaking, should the Commission decide to adopt such as requested by the Petitioners, is how much further

⁵ Comments, filed March 11, 2011, by Sprint Nextel Corporation in response to the PS&HS Bureau Public Notice, DA 11-274, pages 10, 11 and 14.

distance from the border is required by public safety on the U.S. side of the border in use of these former NPSPAC Mutual Aid channels.

NPSTC opposes Sprint Nextel's argument that "the public interest would not benefit from permitting Border licensees continued access to the old NPSPAC band".⁶ Since Industry Canada is not rebanding the 800 MHz band, Canadian public safety does not have the ability to change to the new NPSPAC Mutual Aid channels implemented by the FCC in the U.S. The Petitioners are therefore urging the Commission to address this cross border interoperability issue, especially on the U.S. side, by issuing a rulemaking proceeding on the viability of allowing continued use of some or all of the former NPSPAC Mutual Aid channels in the border area. The real question is what is the impact to the safety of life and property, for U.S. citizens as well as U.S. and Canadian first responders, if the Commission does not release a Notice of Proposed Rulemaking to further address 800 MHz cross border interoperability?

CITIG leadership has just informed NPSTC that it is about to launch a national benchmark study on interoperability. In addition, NPSTC has a Cross-Border Working Group represented by public safety members from agencies on both sides of the U.S./Canadian border who are experienced with interoperability issues at the border. Together, we can more thoroughly research the questions addressed by the Commission in such a rulemaking proceeding, including the requirement for Canadian public safety agencies, as well as U.S. public safety agencies, to have access to the former NPSPAC Mutual Aid channels in order to interoperate on the U.S. side of the border.

Conclusion

NPSTC commends the PSHS Bureau in its efforts to ensure that the Petitions for Rulemaking filed by the 800 MHz Regional Planning Committee 55 and the National Regional Planning Council are properly addressed. The issues raised by the PSHS Bureau are quite complex and often depend on the operational requirements of the U.S. and Canadian public safety agencies needing to interoperate. As noted above, NPSTC is dedicated to improved communications and interoperability for public safety. Our organization membership represents both U.S. and Canadian public safety agencies that we believe can more thoroughly research the cross border interoperability requirements on the former 800 MHz NPSPAC Mutual Aid

⁶ Sprint Nextel Comments, page 21.

channels. NPSTC therefore urges the Commission to issue a Notice of Proposed Rulemaking on this critical cross border interoperability issue.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Ralph A. Haller", with a long horizontal flourish extending to the right.

Ralph A. Haller, Chair
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